

AUG 04 2006

Certification of Facsimile Transmission

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the Patent & Trademark Office to Fax No. (571) 273-8300 on August 4, 2006 (12 pages).

Debra M. Szumowski

Name

Signature

DOCKET: CU-3758

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT: George H. SCHERR)
SERIAL NO: 09/676,670) Group Art Unit: 1617
FILING DATE: October 2, 2000) Examiner:
TITLE: ALGINATE FOAM COMPOSITIONS) Sharareh, Shahnam J.

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
NO FEE REQUIRED (37 CFR 1.181)

Dear Sir:

This is a petition to withdraw the Notice of Abandonment mailed on June 8, 2006, a copy of which is attached. This notice is believed to have issued in error and applicant requests that the abandonment of this application be withdrawn.

Attached are copies of the following materials in support of our petition:

- 1) Issue Fee transmittal submitted via Express Mail on February 28, 2006
- 2) Check No. 026385 in the amount of \$700
- 3) Express Mail receipt and postcard accompanying issue fee transmittal
- 4) Express Mail Label No. EV764489271US, which indicates the Post Office receipt acceptance date of February 28, 2006
- 5) Track & Confirm Search results of Express Mail Label No. EV764489271US, which indicates that this application was delivered on March 1, 2006

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- 6) Proof of delivery of Express Mail Label No. EV764489271US, which indicates the package was delivered on March 1, 2006 and signed for by Anthony Young.

Unfortunately, the postcard was not returned by the Patent Office. In addition, the check was not cashed by the Patent Office. It is believed that the correspondence might have become lost after receipt by the Patent Office.

However, it is believed that the payment of the issue fee was properly and timely submitted to the Patent Office on February 28, 2006.

Accordingly, it is believed that no petition fee should be applicable as abandonment of the application occurred through no fault of the applicant. However, should a fee be deemed necessary, the Commissioner is authorized to charge our Deposit Account No. 12-0400 in the amount of the petition fee.

Also, as it appears that the check for payment of the issue fee may have become misplaced, the Commissioner is also authorized to charge our Deposit Account No. 12-0400 in the amount of \$700, for payment of the issue fee so that this application may proceed to issuance.

Favorable consideration of this petition is respectfully and urgently requested.

Respectfully submitted,

August 4, 2006

Date

Attorney for Applicant

Patricia Hoyle, Reg. 54187
c/o Ladas & Parry LLP
224 South Michigan Avenue
Chicago, Illinois 60604
(312) 427-1300



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,670	10/02/2000	George H. Scherr	CU-3758	4775

26530 7590 06/08/2006

LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO, IL 60604

EXAMINER

SHARAREH, SHAHNAM J

ART UNIT

PAPER NUMBER

1617

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/676,670

Applicant(s)

SCHERR

Examiner

SHARAREH

Art Unit

1617

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

ZC

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office

Part of Paper No. 0

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

LADAS & PARRY

224 SOUTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60604

THE NORTHERN TRUST COMPANY
CHICAGO, IL 60675
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026385

2/28/2006

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LADAS & PARRY

PAGE 6/12 * RCVD AT 8/4/2006 12:38:28 PM [Eastern Daylight Time] * SVR:USPTO-EFXXF-1/9 * DNIS:2738300 * CSID:312 427 6663 * DURATION (mm-ss):03-48

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| <input checked="" type="checkbox"/> Transmittal letter PTOL-85 | <input type="checkbox"/> CC of Priority document |
| <input type="checkbox"/> Fee Transmittal (PTO/SB/17) | <input type="checkbox"/> Application Data Sheet |
| <input type="checkbox"/> _____ pages spec./abstract | <input type="checkbox"/> Amendment/Response |
| <input type="checkbox"/> _____ pages of _____ claims | <input type="checkbox"/> Request for Extension |
| <input type="checkbox"/> _____ sheets of drawings | <input checked="" type="checkbox"/> Fee \$700 (issue) |
| <input type="checkbox"/> Declaration/Power | <input type="checkbox"/> Other _____ |

APPLICANT: George H. SCHERRSERIAL NO: 09/676,670FILED: October 2, 2000TITLE: ALGINATE FOAM COMPOSITIONSDOCKET: CU-3758 DATE: 02/28/2006

		Customer Copy Label 11-F, April 2004	
EV 764489271 US			
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Date Accepted 8/4/06	Scheduled Date of Delivery Month Day Year 8 4 06	Return Receipt Fee \$	Mo. Day Delivery Attempt Time <input type="checkbox"/> AM <input type="checkbox"/> PM Employee Signature
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Search Results

Label/Receipt Number: **EV76 4489 271U S**
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Szumowski, Debbie

From: U.S. Postal Service [U.S. Postal Service@usps.com]
Sent: Wednesday, August 02, 2006 2:55 PM
To: debbie.szumowski@ladas.net
Subject: U.S. Postal Service Track & Confirm email Restoration - EV76 4489 271U S

This is a post-only message. Please do not respond.

Debbie Szumowski has requested that you receive this restoration information for Track & Confirm as listed below.

Current Track & Confirm e-mail information provided by the U.S. Postal Service.

Label Number: EV76 4489 271U S

Service Type: Express Mail - Post Office to Addressee

Shipment Activity	Location	Date & Time
Delivered 8:44am	ALEXANDRIA VA 22313	03/01/06
Arrival at Unit 8:36am	DULLES VA 20102	03/01/06
Acceptance 4:01pm	CHICAGO IL 60604	02/28/06

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Szumowski, Debbie

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Sent: Wednesday, August 02, 2006 3:46 PM
To: debbie.szumowski@ladas.net
Subject: USPS Proof of Delivery Info for EV76 4489 271U S



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Date: 08/02/2006

Debbie Szumowski:

The following is in response to your 08/02/2006 request for delivery information on your Express Mail item number EV76 4489 271U S. The delivery record shows that this item was delivered on 03/01/2006 at 08:44 AM in ALEXANDRIA, VA 22313 to A YOUNG. The scanned image of the recipient information is provided below.

Delivery Section

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Anthony Young
Anthony Young P.O. BOX 1450

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